

the at least one snap engages the at least one opposing complementary snap so as to secure the blanket about the baby.

Sub C10 53. The baby support of Claim 46, further comprising a complementary pair of strips consisting of one strip of fabric of small hooks that sticks to a corresponding strip of fabric of small loops, commonly known as Velcro®, and wherein at least one strip is located on a first side of the fabric; and at least one complementary strip of Velcro® is located on a second side of the blanket which is engagable with the at least one strip of Velcro® on the first side of the blanket so as to secure the blanket about the baby.

REMARKS

The addition to the specification is supported at page 6, line 9, and by Figs. 3 & 4. Independent claims 1, 22, and 41 are amended to include limitations not disclosed in the prior art. Such amendments are supported in the specification at page 6, line 9, and by Figs. 3 & 4. Claims 13-21, 26, and 32-40 have been cancelled, and new claims 46-53 added. The newly added claims do not add any elements not presented in the preceding amended claims.

Rejection of claims 6, 9, 16, 21, 28, and 31 under 35 U.S.C. §112.

Claims 6, 9, 21, 28, 31, 37, and 40 have been modified to amend the reference to a tradenamed product, Velcro®, and a functional description of the trademarked product is included therewith.

Rejection of claims 1-4, 6, 9, 22, 24-26, 28, 31 and 43 under 35 U.S.C. §102(b) as being anticipated by U.S. Pat. No. 5,551,108 to Butler.

Analysis of U.S. Patent No. 5,551,108 to Butler.

Butler discloses a combination for placing a baby on a flat surface such that the baby cannot roll out of the combination when secured within the combination. The disclosure of Butler comprises an infant cushion and fabric cover combination, including an integrated blanket, with the cushion placed inside a fabric cover. The cushion has elevated edges on three sides forming an area for receiving the baby wherein when the baby is placed within the receiving area, the baby cannot roll off, or out of, the cushion. Butler also discloses a blanket adjacent to the fabric cover that can be placed over the trunk and legs portion of the baby, and secured to the sides of the fabric cover.

Butler does not disclose or suggest a fabric encapsulating a substantially planar support pad. Nor does Butler disclose a resilient, memory-foam support pad that adjusts to the contour of the baby.

Rejection of Claims 1, 22 and 41 under 35 U.S.C. §102(b) as being anticipated by U.S. Pat. No. 5,551,108 to Butler.

Applicant respectfully traverses the rejection of Claims 1, 22 and 41 to the extent such rejection applies to newly amended claims 1, 22 and 41. Butler does not disclose a substantially planar cushion. The cushion of Butler includes a raised outer edge, substantially perpendicular to the surface on which the baby is placed. Butler relies on this perpendicular, raised edge to maintain the baby in the combination cushion and cover of Butler (see column 3, lines 34-41). This is the only discussion in Butler relating to the shape of the cushion, and it is consistent with every drawing of the cushion. This limitation is nowhere appears in the independent claims of Applicant.

Rejection of claims 2, 3, 4, 6, 9, 24, 25, 28, 31, 42 and 43 under 35 U.S.C. §102(b) as being anticipated by U.S. Pat. No. 5,551,108 to Butler.

Applicant respectfully traverses the rejection of claims 2, 3, 6, 9, 24, 25, 28, 31, 42 and 43. Applicant believes such claims are allowable of their own merits, however, claims 2, 3, 6 and 9 are dependant on newly amended independent claim 1, claims 24, 25, 28 and 31 are dependant on newly amended independent claim 22, and claims 42 and 43 are dependant on newly amended independent claim 41, each of which independent claim is now considered by Applicant to be in condition for allowance. Since the independent claims 1, 22 and 41 are not anticipated by Butler, the combination of claims 1, 2, 3, 6 and 9, the combination of claims 22, 24, 25, 28 and 31, and the combination of claims 41, 42 and 43 cannot be found to be anticipated by Butler, and therefore such dependent claims are in deemed to be in condition for allowance.

Rejection of claims 5, 7, 8, 10, 11, 12, 23, 27, 29, 30, 44 and 45 under 35 U.S.C. §103)(a) as being unpatentable over U.S. Pat. No. 5,551,108 to Butler.

Newly amended independent claims 1, 22 and 41 cannot be found to be unpatentable as obvious over Butler since Butler does not disclose a planar cushion, but in fact, teaches away from the use of such a planar cushion (see column 3, lines 34-41) in order to secure the infant in the combination cushion and cover. Butler teaches that the raised perimeter of his cushion is necessary to restrain a baby on his cushion/cover combination. Therefore, claims 1, 22, and 41 are deemed by Applicant to be in condition for allowance. Claims 5, 7, 8, 10 and 11 are dependant on independent claim 1, claims 23, 27, 29 and 30 are dependant on independent claim 22, and claims 44 and 45 are dependant on independent claim 41, each of which independent claim is now considered by Applicant to be in condition for allowance.

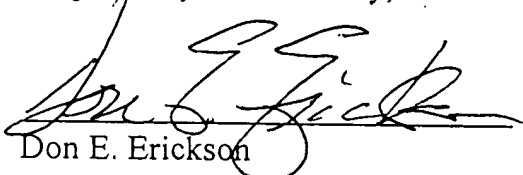
Since the independent claims 1, 22 and 41 are not unpatentable as obvious over Butler, the combination of claims 1, 5, 7, 8, 10 and 11, the combination of claims 22, 23, 27, 29 and 30, and the combination of claims 41, 44 and 45 cannot be found to be unpatentable as obvious over Butler, and therefore, such dependent claims are deemed to be in condition for allowance.

Conclusion.

Independent claims 1, 22 and 41 have been amended to include a limitation not disclosed by U.S. Patent No. 5,551,108 to Butler. Butler never disclosed, either expressly or inherently, that a planar cushion can be used in his cushion and cover combination. In fact, Butler teaches away from using a planar cushion at column 3, lines 34-41, wherein the use of the perpendicular sides of the cushion are critical for maintaining an infant on the cushion.

Reconsideration and allowance of the claims are respectfully requested for the reasons set forth hereinabove. If there are any issues that may be resolved by telephone the Examiner is requested to contact Applicant's representative at the telephone number below.

Respectfully submitted by,



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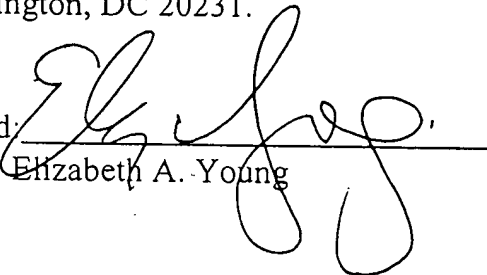
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Signed:



Elizabeth A. Young

Date of Signature: October 20, 2000